

R E M A R K S

Claims 1-18 are pending in this application. In the office action:

- 1) claims 1-12 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,678,386 (Robinson et al.) (office action, pp. 2-3); and
- 2) claims 13-18 were noted as allowable if rewritten in independent form (office action, p. 3).

Reconsideration is respectfully requested.

To sustain a rejection based on anticipation under 35 U.S.C. § 102, “the reference must teach every element of the claim.” M.P.E.P. § 2131 (8th ed., rev. 4, October 2005), page 2100-76. The M.P.E.P. goes on to state that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” quoting Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The applicant submits that this standard has not been met, as there is no disclosure, teaching, or suggestion of:

“an electrical programming contact assembly partially affixed to the faceplate and generally adjacent and conforming to the contour of the battery door” (claim 1); or

“[a]n electrical programming contact assembly ... partially affixed to the faceplate and generally adjacent and conforming to the contour of the battery door” (claim 5); or

“[a]n electrical programming contact ... partially affixed to the faceplate and generally adjacent and conforming to the contour of the battery door” (claim 9).

In the applicants’ device, the contacts are adjacent and “conform[] to the contour of the battery door.” Claims 1, 5, and 9. The specification states that “the contact portions 42, 52, and 62 extend generally vertically from the inner surface 14 of faceplate 10, although tilting or curving somewhat towards the battery door 24.”

Specification, p. 3, lines 11-13; Figure 1. By contrast, Robinson et al. shows a vertically-oriented, “discrete programming module” 300 that slides into a rectangular slot 220. Robinson et al., column 4, lines 53-65. Because Robinson et al. does not disclose, teach, or suggest the applicant’s claimed electrical programming contact assembly or an electrical programming contact “generally adjacent and conforming to contour of the battery door,” it does not anticipate the independent claims (claims 1, 5, and 9), or the claim dependent therefrom..

Similarly, the reference fails to show a contact embedded in the faceplate 10. The specification provides that “at least a portion of each of the interconnection portions 46, 56, and 66, and possibly portions of the contact portions 42, 52, and 56, and the terminal portions 44, 54, and 64 are embedded within the faceplate 10.” Specification, p. 3, line 18, - page 4, line 2. In Robinson et al., the contacts (electrical leads 320) are affixed to a module 300, a separate, detachable element, that slides into a rectangular slot 220 in the faceplate 10, and therefore the leads 320 are not embedded in the faceplate 10. Dependent claims 3, 4, 7, 8, 11, and 12, as well as independent claim 9 and claim 10 dependent therefrom, distinguish over the reference for at least this additional reason.

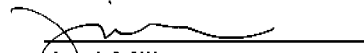
Nor would Robinson et al. render the claimed combinations obvious and there is no teaching or suggestion to modify Robinson et al. that would lead one to provide contacts “generally adjacent and conforming to the battery door” or embedded in the faceplate. 35 U.S.C. § 103; M.P.E.P. § 2143.03 (8th ed., rev. 4, October 2005), p. 2100-139 (“[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art”), citing In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974) [emphasis in original].

Conclusion

The applicant believe that it has responded to all of the issues raised in the office action and submits that all of the pending claims are allowable. Thus, it is respectfully requested that the examiner pass the application to allowance. The examiner is invited to call the undersigned if there are any questions concerning the application.

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Respectfully submitted,



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